

WRIT PETITION NO. 1357 /2002

PETITIONERS

1. Jivendra Prasad Tiwari,
S/o. Shri Jagdish Prasad Tiwari,
Aged about 29 years,
Ex-ITI Trade
Apprentice Electrician,
Hasdeo Area,
South Eastern Coalfields Ltd.,
Dist. Korea (C.G.)
Prashant Kumar Patel,
S/o. Shri Sumeshwar Prasad Patel,
Aged about 28 years,
Ex-ITI Trade
Apprentice Electrician,
Hasdeo Area,
South Eastern Coalfields Ltd.,
Dist. Korea (C.G.)
3. Shiv Kumar Patel,
S/o. Shri Ram Pratap Patel,
Aged about 30 years,
Ex-ITI Trade
Apprentice Electrician,
Chirimiri Area,
South Eastern Coalfields Limited,
Dist. Korea (C.G.)
4. Indralal Patel,
S/o. Shri Ram Sumiran Patel,
Aged about 31 years,
Ex-ITI Trade
Apprentice Fitter,
Chirimiri Area,
South Eastern Coalfields Ltd.,
Dist. Surguja (C.G.)
5. Narendra Kumar Patel,
S/o. Shri Buddhsen Patel,
Aged about 31 years,
Ex-ITI Trade
Apprentice Fitter,
Chirimiri Area,
South Eastern Coalfields Ltd.,
Dist. Surguja (C.G.)
6. Rajesh Soni,
S/o. Shri Givish Prasad Soni,
Aged about 34 years,
Ex-ITI Trade
Apprentice Welder,
Chirimiri Area,
South Eastern Coalfields Ltd.,
Dist. Surguja (C.G.)



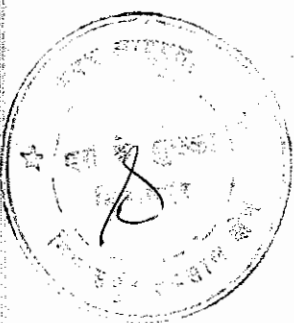
P.R. No. 1356/02
Presented by Shri. Maheshwar Prasad
dated 05-07-02

7. Vanshpati Patel,
S/o. Shri Ramkaran Patel,
Aged about 33 years,
Ex- ITI Trade
Apprentice Electrician,
Hasdeo Area,
South Eastern Coalfields Ltd.,
Dist. Korea (C.G.)
8. Vishnu Kant Patel,
S/o. Shri Rameshwar Prasad Patel,
Aged about 28 years,
Ex- ITI Trade
Apprentice Electrician,
Hasdeo Area,
South Eastern Coalfields Limited,
Dist. Korea (C.G.)
9. Jawahar Lal Patel,
S/o. Shri Ramkhilawan Patel,
Aged about 28 years,
Ex- ITI Trade
Apprentice Electrician,
Hasdeo Area,
South Eastern Coalfields Limited,
Dist. Korea (C.G.)
10. Bhupendra Singh,
S/O. Dalpratap Singh,
Aged about 28 years,
Ex- ITI Trade
Apprentice Electrician,
Hasdeo Area,
South Eastern Coalfields Limited,
Dist. Korea (C.G.)
11. Narendra Singh
S/o. Shri Gopinath Singh
Aged about 27 years,
Ex- ITI Trade
Apprentice Fitter,
Hasdeo Area,
South Eastern Coalfields Limited,
Dist. Korea (C.G.)
12. Krishna Nand Sharma,
S/o. Shri Ram Milan Sharma,
Aged about 27 years,
Ex- as ITI Trade
Apprentice Electrician,
Hasdeo Area,
South Eastern Coalfields Limited,
Dist. Korea (C.G.)
13. Narendra Kumar Singh,
S/o. Shri Ram ashray Singh,
Aged about 29 years,
Ex- ITI Trade
Apprentice Electrician,
Hasdeo Area,



South Eastern Coalfields Limited,
Dist. Korea (C.G.)

14. Virendra Singh,
S/o. Shri Motilal Singh,
Aged about 31 years,
Ex- ITI Trade
Apprentice Fitter,
Hasdeo Area,
South Eastern Coalfields Limited,
Dist. Korea (C.G.)
15. Ramraj Patel,
S/o. Shri Narmada Prasad Patel,
Aged about 30 years,
Ex- ITI Trade
Apprentice Fitter,
Hasdeo Area,
South Eastern Coalfields Limited,
Dist. Korea (C.G.)
16. Upendra Singh Parihar,
S/o. Shri Shobhnath Singh Parihar,
Aged about 28 years,
Ex- ITI Trade
Apprentice Electrician,
Hasdeo Area,
South Eastern Coalfields Limited,
Dist. Korea (C.G.)
17. Rajesh Tiwari,
S/o. Shri S.N. Tiwari,
Aged about 28 years,
Ex- ITI Trade
Apprentice Fitter,
Hasdeo Area,
South Eastern Coalfields Limited,
Dist. Korea (C.G.)
18. Shrikant Sharma
S/o. Shri Triveni Prasad Sharma,
Aged about 27 years,
Ex- ITI Trade
Apprentice Electrician,
Hasdeo Area,
South Eastern Coalfields Limited,
Dist. Korea (C.G.)
19. Hetlal Singh
S/o. Shri Motilal Singh
Aged about 31 years,
Ex- ITI Trade
Apprentice Electrician,
Hasdeo Area,
South Eastern Coalfields Limited,
Dist. Korea (C.G.)
20. Samar Bahadur Singh.
S/o. Shri Vidheshawari Singh,
Aged about 30 years,
Ex- ITI Trade





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Apprentice Fitter,
Hasdeo Area,
South Eastern Coalfields Limited,
Dist. Korea (C.G.)

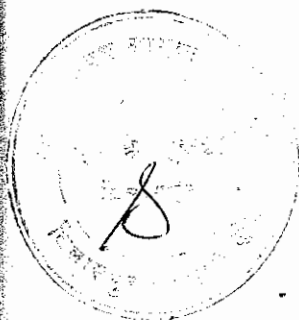
21. Rajendra Prasad Patel,
S/o. Shri Mudi Prasad Patel,
Aged about 28 years,
Ex- ITI Trade
Apprentice Electrician,
Hasdeo Area,
South Eastern Coalfields Limited,
Dist. Korea (C.G.)

22. Kaushal Singh,
S/o. Shri Ramdhani Singh,
Aged about 28 years,
Ex-ITI Trade
Apprentice Fitter,
Chirimiri ,
South Eastern Coalfields Limited,
Dist. Surguja (C.G.)

23. Nemchandra Dubey,
S/o. Shri Sambhu Prasad Dubey,
Aged about 30 years,
Ex- ITI Trade
Apprentice Fitter,
Chirimiri Area,
South Eastern Coalfields Limited,
Dist. Surguja (C.G.)

24. Hetlal Singh
S/o. Shri Ajayab Lal Singh,
Aged about 31 years,
Ex- ITI Trade
Apprentice Fitter,
Ramgarh Area,
South Eastern Coalfields Limited,
Dist. (C.G.)

25. Nagendra Singh,
S/o. Shri Keshav Singh,
Aged about 23 years,
Ex- ITI Trade
Apprentice Fitter,
Bisrampur Area,
South Eastern Coalfields Limited,
Dist. Surguja (C.G.)



Vs.

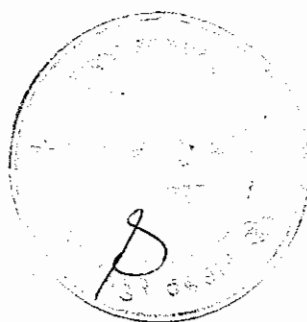
RESPONDENTS

1. Chairman,
Coal India Limited,
10, Netaji Subhash Road,
Kolkata (W.B)

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2. Director(P&IR),
Coal India Limited,
10, Netaji Subhash Road,
Kolkata (W.B)
3. Member Secretary,
JBCCI-VI (Joint Bipartite Committee
For the Coal Industry),
Coal India Limited,
10, Netaji Subhash Road,
Kolkata (W.B)
4. Chairman-cum-Managing Director,
South Eastern Coalfields Ltd.,
Seepat Road,
Bilaspur (C.G.)
5. Director(Personnel),
South Eastern Coalfields Ltd.,
Seepat Road,
Bilaspur (C.G.)
6. Chief General Manager,
Hasdeo Area,
South Eastern Coalfields Ltd.,
P.O. Hasdeo
Dist. Korea (C.G.)
7. Chief General Manager,
Chirimiri Area,
South Eastern Coalfields Ltd.,
P.O. Chirimiri
Dist. Korea (C.G.)
8. Chief General Manager,
Ramgarh Area,
South Eastern Coalfields Ltd.,
P.O. Ramgarh
Dist. (C.G.)
9. Chief General Manager,
Bisrampur Area,
South Eastern Coalfields Ltd.,
P.O. Bisrampur,
Dist. Surguja (C.G.)



WRIT PETITION UNDER ARTICLE 226 OF CONSTITUTION OF INDIA
FOR ISSUANCE OF WRIT IN THE NATURE OF CERTIORARI,
MANDAMUS AND FOR OTHER SUITABLE WRIT OR WRITS, ORDER OR
ORDERS, DIRECTION OR DIRECTIONS.

मामला क्रमांक W.P. 1357/02 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<u>8.11.2005</u> Petitioner by Shri Ashish Shrivastava, Advocate. Respondents by Shri Praveen Das, Advocate. Heard. The petitioners were selected for the training on the post of Electrician/Fitter/Welder etc. in General Mazdoor Category-I by the S.E.C.L. On completion of their training they were declined appointment on the said posts. The petitioners are having requisite qualifications as I.T.I. Trade Apprentice under the Apprentices Act, 1961. The petitioners have filed this petition under Article 226 of the Constitution of India seeking a direction against the respondents to absorb and regularize them on the posts of General Mazdoor Category-I on completion of successful training. The Supreme Court while considering the identical issue in the case of U.P.State Road Transport Corporation and another Vs. U.P.Parivahan Nigam Shishukhs Berozgar Sangh and others (1995) 2 S.C.C. 1 has passed the following direction:-	

मामला क्रमांक w.f.....1357..... सन् 2002

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<i>"12. In the background of what has been noted above, we state that the following would be kept in mind while dealing with the claim of trainees to get employment after successful completion of their training:</i> <i>(1) Other things being equal, a trained apprentice should be given preference over direct recruits.</i> <i>(2) For this, a trainee would not be required to get his name sponsored by any employment exchange. The decision of this Court in Union of India v. N. Hargopal would permit this.</i> <i>(3) If age bar would come in the way of the trainee, the same would be relaxed in accordance with what is stated in this regard, if any, in the service rule concerned. If the service rule be silent on this aspect, relaxation to the extent of the period for which the apprentice had undergone would be given.</i> <i>(4) The training institute concerned would maintain a list of the persons trained yearwise. The persons trained earlier would be treated as senior to the persons trained later. In between the trained apprentices, preference shall be given to those who are senior.</i> In view of the direction of the Hon'ble Supreme Court the respondents are directed to consider the case of the petitioners for absorption and regularization on the post of	

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ...w.p. 1357..... सन् 2002

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश - 3 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	General Mazdoor Category-I immediately after the ban imposed vide order dated 28th July, 2000 (Annexure R-1) issued by the Ministry of Coal, is lifted. The respondents are further directed to take steps to get the relaxation from ban for appointment of the petitioners on the above stated posts. The petitioners may be entitled to proficiency certificates, if permissible. In view of the foregoing the petition stands disposed of finally. Certified copy, as per Rules.	Sd/- Satish K. Agnihotri Judge

Thakur